

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: BIOPURE CORPORATION) Master Docket No. 03-12628 (NG)
SECURITIES LITIGATION)
)
)

DEFENDANTS' LOCAL RULE 16.1(D)(3) CERTIFICATION

The undersigned hereby certify pursuant to Local Rule 16.1(D)(3) that they have conferred (a) with a view to establishing a budget for the costs of conducting the full course - and various alternative courses - of litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4. These issues have been discussed with Biopure Corporation, and throughout the course of the litigation the undersigned counsel have communicated and will communicate consistently with individual defendants regarding settlement, insurance coverage, defense costs, and alternative dispute resolution programs.

Dated: April 24, 2006.

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